

SPECIAL CIVIL APPLICATION NO. 931 OF 1986

Date of decision: 19-4-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.K. KESHOTE, J  
(19-4-96)

Mrs. Hansa Punani for the petitioner.  
Ms. Sejal Mandavia for the respondents.

ORAL JUDGMENT:

Heard the learned counsel for the parties. It is not in dispute that the petitioner has retired from service on 1-1-1976. The writ petition is filed by the petitioner

on 7-3-1986. The prayer made by the petitioner in the writ petition is that the respondents be directed to treat her as Headmistress all throughout and to pay her salary and allowances accordingly. It is not in dispute that the petitioner was reverted from the post of headmistress to the post of Assistant Teacher on 1-8-1969.. The order of reversion was not challenged by the petitioner till she retired from service on 1-1-1976, or till she filed the writ petition before this court. The challenge to the order made by the petitioner after about 17 years cannot be entertained. Not only this, she has challenged the order after about ten years of her retirement. The writ petition deserves to be dismissed only on the ground of delay and latches. It may be mentioned here that delay and latches in approaching this Court disentitles the parties both of remedy and right. Reference in this respect may be made to the decision of the Supreme Court in the case of Ratan Chandra Sammanta vs. Union of India reported in AIR 1993 SC 2276.

2. In the result the writ petition fails and the same is dismissed. Rule discharged. No order as to costs.